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## BOOK REVIEWS

*The ABC's of Business.* By Henry S. McKee. New York, The MacMillan Co., 1922. pp. vi, 135.

An able, remarkably readable, and clear introduction to the present business functioning of the United States at home and abroad. The point of view is that of a rather forward-looking orthodox economist in touch with practical operations. The author's gift of simple exposition is unusual, and errors due to brevity are few. If an understanding of existing business institutions derived exclusively from the book would be a trifle over-rosy, we may perhaps trust the reader's awakened interest and his own business experience to provide the desirable check. The reviewer does wonder, though, how a writer with the clarity of thought and honesty of expression shown in the book at large, can discuss division of labor and international trade as Mr. McKee does without even mentioning what seems an inevitable corollary to his arguments: to wit, that tariffs need considerable justification. The book is worth the attention of anyone, old hands as well as new.

KARL NICKERSON LLEWELLYN.

Yale University School of Law.

*Our Changing Constitution.* By Charles W. Pierson. Garden City, Doubleday, Page & Co., 1922. pp. xiii, 181.

Under this title, Mr. Pierson has presented a series of interesting and suggestive essays upon various phases of American constitutional law and amendment. Some of these essays have been published previously, but they are woven with new chapters into a general thesis which gives them due place in a reasoned conspectus of constitutional government. The nature of the American Union, with its attempted division of sovereignty between the states and the Nation, always has been a mystery to foreign students. It has become almost as much a mystery to our own people. The original theory of a federal government, possessing only the powers expressly conferred upon it by a written constitution—including those necessary and proper for carrying into execution the powers expressed—those not delegated to the United States by the constitution, nor prohibited by it to the states being expressly reserved to the states respectively, or to the people, has given way, in practice, to many departures from that simple plan. The federal government has encroached upon the reserved spheres of the states and the states have assumed functions properly within the scope of the powers devolved upon the Union. From time to time, the tide has set in favor of the states, followed by an ebb strongly towards the federal government. Mr. Pierson discerns in recent times an increasing tendency to devolve upon the federal government powers which, in their essence, belong to the states. The most conspicuous example of this tendency is found in the adoption of the Eighteenth and Nineteenth Amendments, particularly the former.

"Could Washington, Madison and the other framers of the Federal Constitution revisit the earth in this year of grace 1922," says Mr. Pierson, "it is likely that nothing would bewilder them more than the recent Prohibition." It would "evidence to their minds the breaking down of a principle of government which they had deemed axiomatic, the abandonment of a purpose which they had supposed immutable. As students of the science of government they would realize that the most fundamental change which can overtake a free people is a change of their frame of mind, for to that everything must sooner or later conform."

But, as students of human nature, those great statesmen would have known that

it is in the nature of free people to change their minds. Freedom is not static. In its very essence it is mobile. A free people seek the readiest practicable means of solving problems. Experience had demonstrated the impossibility of eradicating the evils of intemperance through state action. To grapple with it effectively, the power of the nation alone was adequate. Whether that power will prove effective or not may be doubtful, but no one could question the ineffectiveness of all previous action by the states. Hence the Eighteenth Amendment. Probably woman suffrage would have been realized gradually by state action alone. But the progress would have been slow. Its advocates saw in the successful campaign of the prohibitionists a demonstration that a shorter way lay through the process of constitutional amendment. They pressed forward over that way and the Nineteenth Amendment embodies their triumph. In many other respects, the established barriers between state and nation have been broken down through legislative action. The pure food laws and the statutes prohibiting the carriage of lottery tickets and of interstate transportation of women for immoral purposes, are examples of the successful exercise of national power in domains properly controlled by the police power of the states.

The effort at national regulation of the hours and conditions of labor of children, through the control of interstate commerce, is an example of an unsuccessful attempt to usurp state police regulation by national law.

Mr. Pierson discerns a changed attitude of our people towards the Constitution. He finds the principal explanation of this in the growth of national consciousness, due both to pressure from without and to developments within. Perhaps the most controlling cause for the changes noted may be found in the character of the state governments. Too often have these fallen into unworthy hands. State legislatures do not enjoy a high reputation. Local political machines too often control both the legislative and the executive arms of the state. Unwieldy as is the federal Congress, its acts are more closely observed than those of the state legislatures, and the presidential veto power is used with a high sense of public responsibility.

"What then is the future?" Mr. Pierson asks. "Is the Constitution hopelessly out of date? \* \* \* The integrity of the States was a cardinal principle of our governmental scheme." No. The equilibrium between the states and the nation will be preserved in its essentials by the Supreme Court. Recent decisions, particularly the unanimous ruling of the Supreme Court in declaring the child labor law unconstitutional, have reaffirmed that security.

That question was in doubt when Mr. Pierson's book was prepared. It now has been settled. So long as the powers of that great tribunal remain unimpaired, the "indestructible union composed of indestructible States" will be secure. And, as Mr. Pierson says, "if leaders and teachers do their part, American intelligence and prudence will assert themselves, and the slogan of an awakened public sentiment may yet be: 'Back to the Constitution!'" The book very clearly presents the problems involved. It is clearly written and pregnant with intelligent suggestion. It touches upon problems which vitally affect our national welfare and amply justifies attentive perusal.

GEORGE W. WICKERSHAM.

New York City.

*Latin-American Commercial Law.* By T. E. Obregon. With the Collaboration of Edwin M. Borchard. New York, The Banks Law Publishing Co., 1921. pp. xxiii, 972.

Any work throwing light on the legal systems of our sister republics in Central or South America is certain of a cordial welcome in the United States. This is especially true of works dealing with the business law of Latin America. The commercial law of the individual Latin-American states has been accessible to us